

4.6 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates the potential for significant impacts to occur due to the proposed project. Consistent with the discussion in Section 4.0 (Introduction to the Analysis), based on a preliminary environmental analysis of the proposed project prepared prior to commencement of this EIR and analysis completed for the BECSP Program EIR, substantial additional analysis of hazards and hazardous materials impacts is not required. Rather, this section includes a discussion of the current environmental setting, the proposed project and its relationship to the BECSP, where applicable; a discussion of consistency with the environmental analysis prepared for the BECSP, where applicable; any new information or analysis pertinent to the current analysis and identification of impacts; identification of mitigation measures required to address potential impacts of the proposed project; and significance conclusions regarding the proposed project after mitigation incorporation. Mitigation measures included applicable measures from the BECSP EIR as well as any new or additional mitigation measures required to reduce potential impacts. All impacts are considered to be less than significant with incorporation of mitigation.

Data used to prepare this section were obtained from the BECSP EIR, and City of Huntington Beach General Plan. Full bibliographic entries for all reference materials are provided in Section 4.6.5 (References) at the end of this section.

4.6.1 Environmental Setting

The proposed project site is currently developed with office, retail, and restaurant uses, a fitness facility, a movie theater, and a parking structure.

■ Potential On-Site Hazardous Materials

A review of federal and state regulatory agency databases was conducted by Environmental Data Resources Inc. (EDR Inc.) on December 10, 2008, for the BECSP EIR. The records search identifies properties located in the general vicinity of the Specific Plan area, in which the project site is located, which may have contributed to a release of hazardous substances (e.g., spills, leaks, incidents, etc.) to the soil and/or groundwater. The records search is designed to meet the search requirements of the Environmental Protection Agency's (EPA) Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) and the American Society for Testing of Materials (ASTM) Standard Practice for Environmental Site Assessments (E 1527-05).

The existing and historic hazardous materials likely to be encountered in the vicinity of the BECSP area were identified through a search of federal and state regulatory agency databases for a 0.5-mile buffer area surrounding the BECSP area. The agency lists identify facilities permitted to use hazardous materials, as well as environmental cases and spill sites. Based on review of this database, no uses on the proposed project site are permitted to use hazardous materials and the project site is not identified as an environmental case or spill site. The majority of the sites identified in the EDR report within 0.5 mile of the BECSP area were included due to leaking underground storage tanks (LUST). Furthermore, the State Water Resource Control Board's GeoTracker website, accessed on October 18, 2010, does not identify

the proposed project site as being located on any hazards lists. Sites located within 1,000 feet of the project site included on the LUST list include the Beach Warner Car Wash located at 17042 Beach Boulevard, and G&M Oil #4 located at 16990 Beach Boulevard. Both of these cases are currently open.

■ **Asbestos**

Asbestos, a naturally occurring fibrous material, was used in many building materials for fireproofing and insulating properties before many of its most common construction-related uses were banned by the USEPA between the early 1970s and 1991 under the authority of the California Clean Air Act (CCAA) and the Toxic Substances Control Act (TSCA). Loose insulation, ceiling panels, and brittle plaster are potential sources of friable (easily crumbled) asbestos. Since inhalation of airborne asbestos fibers is the primary mode of asbestos entry into the body, friable asbestos presents the greatest health threat. Nonfriable asbestos is generally bound to other materials such that it does not become airborne under normal conditions. Any activity that involves cutting, grinding, or drilling during demolition (especially demolition of older (pre-1980 structures), or relocation of underground utilities, could result in the release of friable asbestos fibers unless proper precautions are taken. Asbestos-related health problems include lung cancer and asbestosis. The structures located on the project site were constructed during the 1980s and therefore were not likely built with asbestos containing materials

■ **Lead**

Lead is a naturally occurring metallic element. Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils around buildings and structures painted with lead-based paint. In 1978, the federal government required the reduction of lead in house paint to less than 0.06 percent (600 parts per million). Because of its toxic properties, lead is regulated as a hazardous material. Excessive exposure to lead can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs. Inspection, testing, and removal (abatement) of lead-containing building materials must be performed by state-certified contractors who are required to comply with applicable health and safety and hazardous materials regulations. Buildings that have been constructed prior to 1978 and that contain lead-based paints could require abatement prior to construction activities for the proposed project. Because existing buildings on the project site were constructed during the 1980s, it is unlikely that lead-based paint was used.

■ **Other Safety Hazards**

The nearest airport to the project site is the Joint Forces Training Center Los Alamitos located at least five miles to the northwest. There are no private airstrips in the nearby vicinity; however there is an existing helipad on the rooftop of the fifteen-story office tower on the project site. A helipad is a designated area, including buildings or facilities, intended to be used for the landing and takeoff of helicopters. Safety issues include hazards posed to aircraft from structures located within navigable airspace and crash hazards posed by helicopters to people and property on the ground. However, the

existence of such a facility does not necessarily represent an impending impact for residents. The existing helipad has not been used in over three years.¹¹

4.6.2 Regulatory Framework

Refer to Section 4.6.2 (Regulatory Framework) of the BECSP Program EIR, for applicable federal, state, and local regulations that would apply to the proposed project. No new regulations have been implemented since the certification of the Program EIR.

The BECSP Development Code, which includes development standards, development regulations, and guidelines, governs all development actions with the BECSP area, including the proposed project site. The proposed project would be subject to development standards specific to the proposed project site's BECSP designation as a Neighborhood Center, included as BECSP Section 2.1.5 (Neighborhood Center).

■ General Plan and BECSP Consistency Analysis

Implementation of the proposed project includes continuation of the existing commercial uses and introduction of residential uses and would not result in the use, storage, or transport of large quantities of hazardous materials. Any commonly used hazardous materials would be used and stored in accordance with federal, state, and local regulations, as required by General Plan Policy HM 1.1.4. Demolition of existing structures is unlikely to result in a release of hazardous materials. Implementation of the proposed project is not expected to include the use of hazardous materials or generate substantial quantities of hazardous waste, and would not create an unsafe or hazardous condition for adjacent uses, consistent with General Plan Policy HM 1.2.3, which calls for development within close proximity of sensitive uses to not utilize, store, handle hazardous waste or materials. Hazardous materials associated with the proposed project would consist mostly of typical household-type cleaning products and maintenance products (e.g., paints, solvents, cleaning products). However, the proposed project would be required to comply with federal and State laws to eliminate or reduce the consequence of hazardous materials accidents, as required by General Plan Policy HM 1.1.4. The proposed project would not conflict with the applicable goals and policies of the City of Huntington Beach General Plan Hazardous Materials Element and other applicable regulations.

4.6.3 Project Impacts and Mitigation

The analysis in this section focuses on the potential for construction and operation of the proposed project to result in the release of hazardous materials into the environment. In determining the level of significance, the analysis assumes that construction and operation of the proposed project would comply with all applicable federal, state, and local laws and regulations. This section provides a discussion of impacts related to hazards and hazardous materials based on Appendix G of the 2010 CEQA Guidelines thresholds of significance, as follows:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

¹¹ Rosemary Medel, written communication via email with City of Huntington Beach (April 22, 2009).

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment
- If located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area
- If within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

■ Routine Transport, Use, or Disposal of Hazardous Materials

Exposure of the public or the environment to hazardous materials could occur in the following manner as a result of the proposed project: improper handling or use of hazardous materials or hazardous wastes particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors. The types and amounts of hazardous materials would vary according to the nature of the activity at the project site. Hazardous materials regulations were established at the state level to ensure compliance with federal regulations intended to reduce the risk to human health and the environment from the routine use of hazardous substances.

To ensure that workers and others at the project site are not exposed to unacceptable levels of risk associated with the use and handling of hazardous materials, employers and businesses are required to implement existing hazardous materials regulations, with compliance monitored by state (e.g., OSHA in the workplace or DTSC for hazardous waste) and local jurisdictions (e.g., the HBFD). Adherence to existing hazardous materials regulations would ensure compliance with existing safety standards related to the handling, use and storage of hazardous materials, and compliance with the safety procedures mandated by applicable federal, state, and local laws and regulations (Resource Conservation Recovery Act [RCRA], California Hazardous Waste Control Law, and principles prescribed by the California Department of Health Services [DHS], Centers for Disease Control and Prevention, and National Institutes of Health).

The proposed project includes the continuation of existing commercial uses and the introduction of residential uses and does not include a component that would traditionally introduce hazards or hazardous materials to the project site. Hazardous materials associated with the occupancy of the

residential component of the proposed project would include typical household cleaning products as well as typical maintenance supplies. Hazardous materials associated with operation of the proposed retail uses could include typical maintenance products as well as maintenance products for upkeep of the grounds and landscape formulated with hazardous substances, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides. The United States Department of Transportation (USDOT) Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Titles 40, 42, 45, and 49 of the Code of Federal Regulations (CFR), and implemented by Titles 17, 19, and 27 of the California Code of Regulations (CCR). The transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. Adherence to these regulations, which requires compliance with all applicable federal and state laws related to the transportation of hazardous materials, would reduce the likelihood and severity of accidents which might occur during transit.

Operation of the proposed project would not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. The construction phase of the proposed project may generate hazardous and/or toxic waste. Federal, state, and local regulations govern the disposal of wastes identified as hazardous which could be produced in the course of demolition and construction. Asbestos, lead, or other hazardous materials encountered during demolition or construction activities would be disposed of in compliance with all applicable regulations for the handling of such waste. Should the use, transportation, disposal, and/or storage of hazardous materials during the construction or operation of the proposed project rise to a level subject to regulation, those uses would be required to comply with federal and state laws to eliminate or reduce the consequence of hazardous materials accidents. As such, a *less than significant* impact would occur.

■ Reasonably Foreseeable Upset and Accident Conditions

Demolition, grading and excavation activities for development of the proposed project could result in the exposure of construction personnel and the public to previously unidentified hazardous substances in the soil. Exposure to unanticipated hazardous substances could occur from previously unidentified soil contamination, migrating contaminants originating at nearby listed sites, or from construction-related soil contamination caused by spillage and/or mixing of construction trash and debris into the soil. If any unidentified sources of contamination are encountered during demolition, grading, or excavation, the removal activities required could pose health and safety risks capable of resulting in various short-term or long-term adverse health effects in exposed persons. In order to address the potential for encountering unknown contamination within the project area, mitigation measures BECSP MM4.6-1 and BECSP MM4.6-2 would minimize the potential risk of contamination by implementing investigation and remediation efforts at the proposed project site.

While unlikely due to the age of the buildings, demolition of existing structures could result in exposure of construction personnel and the public to hazardous substances such as asbestos or lead-based paints. Federal and state regulations govern the renovation and demolition of structures where materials containing lead and asbestos are present. These requirements include: South Coast Air Quality Management District (SCAQMD) Rules and Regulations pertaining to asbestos abatement (including Rule 1403), Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead)

from Title 8 of the CCR, Part 61, Subpart M of the CFR (pertaining to asbestos), and lead exposure guidelines provided by the U.S. Department of Housing and Urban Development (HUD). Asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the state Department of Health Services. In addition, California Occupational Safety and Health Administration (Cal/OSHA) has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation.

While it is anticipated that operation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment, this operational analysis presents the potential possibilities of such a risk. Development of the proposed project would include the use of and storage of common hazardous materials such as paints, solvents, and cleaning products. Additionally, grounds and landscape maintenance could also use a variety of products formulated with hazardous materials, including fuels, cleaners, lubricants, adhesives, sealers, and pesticides/herbicides. The properties and health effects of different chemicals are unique to each chemical and depend on the extent to which an individual is exposed. The extent and exposure of individuals to hazardous materials would be limited by the relatively small quantities of these materials that would be stored and used on the project site. As common maintenance products and chemicals would be consumed by use and with adherence to warning labels and storage recommendations from the individual manufacturers, these hazardous materials would not pose any greater risk than at other similar developments. Through development of the proposed project, hazardous materials could be stored within the project site, but the materials would generally be in the form of routinely used common chemicals. Therefore, the probability of a major hazardous materials incident would be remote, and this impact would be less than significant.

Although the proposed project site is not located within a designated methane gas overlay district, the proposed project would be subject to mitigation measure BECSP MM4.6-3 which requires the project to comply with HBFD City Specification No. 429, Methane District Building Permit Requirement prior to issuance of a grading permit. Implementation of mitigation measure BECSP MM4.6-3 would reduce any impacts associated with methane gas to a less than significant level by ensuring that appropriate testing and methods of gas detection are implemented at the project site, as required by the HBFD. This is considered a *less than significant* impact.

■ **Hazardous Emissions within 0.25 Mile of an Existing or Proposed School**

The Liberty Christian and the Oakview Elementary Schools are located within 0.25 mile northwest and southwest of the project site respectively. Construction activities would involve the utilization of diesel-powered trucks and equipment, which would result in temporary diesel emissions that have been determined to be a health hazard. Operation of commercial and residential uses of the proposed project would include the handling and/or storage of potentially hazardous materials typical of these uses on the project site; however, the types of hazardous materials anticipated would be limited to regulated types and quantities (i.e., household cleaners, landscaping chemicals, etc.). Compliance with all applicable local, state, and federal laws and regulations would regulate, control, or respond to hazardous waste, transport,

disposal, or clean-up in order to ensure that hazardous materials do not pose a significant risk to nearby schools. If ground contamination is found at the project site before or during construction of future development, the implementation of mitigation measures BECSP MM4.6-1 and BECSP MM4.6-2 would ensure the health and safety of all students, staff, and visitors at the nearby schools and impacts would be *less than significant*.

■ Hazardous Materials Lists

As required by mitigation measure BECSP MM4.6-1, prior to issuance of a grading permit for the proposed project, a preliminary environmental site assessment (ESA) would be prepared for the proposed project to determine if the proposed project site has a record of hazardous material contamination and is included on a list of hazardous materials sites. Mitigation measure BECSP MM4.6-1 also requires that in the event that contamination is found, the ESA would identify the nature and extent of contamination, and determine the need for further investigation and/or remediation of the soils conditions on the project site. Based on review of the SWRCB's GeoTracker website, the proposed project site is not included on any environmental databases.¹² Regardless, the proposed project would be required to prepare an ESA and perform subsequent steps as deemed necessary, compliant with BECSP MM4.6-1. As such compliance with BECSP MM4.6-1 would ensure that this impact is *less than significant*.

■ Safety Hazards Associated with Airports and Airstrips

The proposed project would not interfere with airport or aircraft operations as the nearest airport to the project site is the Joint Forces Training Center Los Alamitos located at least five miles to the northwest. There are no private airstrips in the nearby vicinity; however there is an existing helipad in the rooftop of the fifteen-story office tower on the project site. A helipad is a designated area, including buildings or facilities, intended to be used for the landing and takeoff of helicopters. Safety issues include hazards posed to aircraft from structures located within navigable airspace and crash hazards posed by helicopters to people and property on the ground. However, the existence of such a facility does not necessarily represent an impending impact for residents. The existing helipad has not been used in over three years.¹³

Implementation of the proposed project would increase the number of residents potentially exposed to helipad safety hazards. However, helipads also represent a safety feature on tall buildings in that they can be used during emergencies, such as a fire in the building. Operation of the existing helipad is required to comply with requirements of the Federal Aviation Administration (FAA), the Airport Land Use Commission (ALUC) for Orange County, and Caltrans/Division of Aeronautics, in addition to any other local requirements. As such, this impact would be *less than significant*.

¹² State Water Resources Control Board, GeoTracker. Beach Boulevard and Warner Avenue, Huntington Beach, CA 92647 (2010). <http://geotracker.swrcb.ca.gov/map/?CMD=runreport&myaddress=beach+boulevard+and+warner+avenue%2C+huntington+beach+ca> (accessed October 18, 2010).

¹³ Rosemary Medel, written communication via email with City of Huntington Beach (April 22, 2009).

■ Interfere with Emergency Response Plan or Emergency Evacuation Plan

As required by law, the proposed project would be required to provide adequate access for emergency vehicles. Additionally, development would be required to regulate the storage of flammable and explosive materials and their transport within the project site, and would comply with applicable Uniform Fire Code regulations for issues including fire protection systems and equipment, general safety precautions, and distances of structures to fire hydrants. Temporary short-term construction impacts on street traffic adjacent to the project site due to roadway and infrastructure improvements and the potential extension of construction activities into the right-of-way could result in a reduction of the number of lanes or temporary closure of segments of adjacent roadways, including Beach Boulevard and Warner Avenue, as well as smaller adjacent residential streets. Any such impacts would be limited to the construction period of the project and would affect only adjacent streets or intersections. However, mitigation measure BECSP MM4.6-4 would ensure that emergency response teams for the City of Huntington Beach, including HBFD and Huntington Beach Police Department (HBPD) would be notified of any lane closures during construction activities in the project site and that a minimum one lane would remain open at all times to provide adequate emergency access to the site and surrounding neighborhoods. Implementation of mitigation measure BECSP MM4.6-4 would ensure that proposed development would provide adequate access for emergency vehicles, and the proposed project would result in a ***less than significant*** impact.

■ Wildland Fire Hazards

The project site and surrounding area are characterized by features typical of the urban landscape and include commercial uses. No wildlands exist within the immediate vicinity of the proposed project site. Consequently, development of the proposed project would not result in an impact due to the exposure of people or structures to hazards associated with wildland fires. ***No impact*** would occur.

As potentially significant impacts related to hazards and hazardous materials have been mitigated through implementation of mitigation measures BECSP MM4.6-1 through BECSP MM4.6-4 and all impacts were determined to be less than significant in this or the BECSP EIR analysis, no further discussion of hazards and hazardous materials is required in this EIR.

Applicable Mitigation of the BECSP EIR

BECSP MM4.6-1 Prior to the issuance of grading permits on any project site, the site developer(s) shall:

- *Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA), which shall be submitted to the City for review. If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site.*
- *If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be*

the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project.

- *If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits.*
- *Closure reports or other reports acceptable to the Huntington Beach Fire Department that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the Huntington Beach Fire Department prior to the issuance of grading permits for site development. No construction shall occur in the affected area until reports have been accepted by the City.*

BECSP MM4.6-2 *In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.*

BECSP MM4.6-3 *Prior to the issuance of grading permits, future development in the Specific Plan shall comply with HBFD City Specification No. 429, Methane District Building Permit Requirements. A plan for the testing of soils for the presence of methane gas shall be prepared and submitted by the Applicant to the HBFD for review and approval, prior to the commencement of sampling. If significant levels of methane gas are discovered in the soil on the future development project site, the Applicant's grading, building and methane plans shall reference that a subslab methane barrier and vent system will be installed at the project site per City Specification No. 429, prior to plan approval. If required by the HBFD, additional methane mitigation measures to reduce the level of methane gas to acceptable levels shall be implemented.*

BECSP MM4.6-4 *To ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures, the developer shall consult with the City of Huntington Beach Police and Fire Departments to disclose temporary lane or roadway closures and alternative travel routes. The developer shall be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall coordinate with the City of Huntington Beach Police and Fire Departments to designate proper detour routes and signage indicating alternative routes.*

4.6.4 Cumulative Impacts

Project-related impacts for environmental issue areas that did not require substantial additional analysis from what was provided in the BECSP EIR are considered to be less than significant with mitigation. In addition, the proposed project would not result in impacts different from or greater than previously analyzed in the BECSP EIR. Therefore, additional cumulative impact analysis is not required for these issue areas, including Hazards and Hazardous Materials.

4.6.5 References

- Environmental Data Resources, Inc. 2008. The EDR Radius Map Report, Beach/Warner, Huntington Beach, CA 92647. Inquiry Number: 2379902.3s. December 10.
- Huntington Beach, City of. *Beach and Edinger Corridors Specific Plan Environmental Impact Report*, November 2009.
- . *City of Huntington Beach General Plan*, May 13, 1996.
- State Water Resources Control Board. 2010. GeoTracker. Beach Boulevard and Warner Avenue, Huntington Beach, CA 92647. <http://geotracker.swrcb.ca.gov/map/?CMD=runreport&myaddress=beach+boulevard+and+warner+avenue%2C+huntington+beach+ca> (accessed October 18, 2010).